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HONOLULU, H. T., TUESDAY, DECEMBER 23, 1902—SEMI-WEEKLY.

WHOLE No. 2446.

ASK DOLE TO STOP HANGING

The Japs Petition For a Stay of Execution.

Sabura Okabe, Acting Japanese Consul, yesterday made formal application to Governor Sanford B. Dole for a stay of execution in the case of Tanbara Gisaburo sentenced to hang for murder on the day after Christmas. In the petition addressed to the Governor by the Consul, on behalf of 225 Japanese residents, it is said that money has been raised for an appeal to the United States Supreme Court, and that it is hoped to obtain a reversal because the conviction was obtained through "the loose, incorrect and illiterate interpretation of the testimony of the Japanese witnesses" at the trial. A wireless message was sent to Governor Dole at Kohala setting out a statement of the facts very briefly but no reply has been received as yet, and it is doubtful if the message has reached the Governor. In the meantime all arrangements for the hanging of Tanbara have been completed and unless the Governor interferes, the execution will take place Friday morning at 10:30 o'clock in Oahu Jail yard. Marshal Hendry yesterday sent out the few tickets of admission to those who will be permitted to witness the execution. Among these, besides the government officials, and newspaper representatives, there are some ten or fifteen physicians who will attend for scientific purposes only. The Japanese consul, Rev. Mr. Motokawa and a few others are also invited, the total making about sixty.

The petition to Governor Dole was handed to Secretary Cooper yesterday, with a letter stating that a message had been sent to Kohala, giving in brief the facts set out in the petition.

The letter addressed to Governor Dole was as follows:

To Governor Sanford B. Dole, Honolulu. Sir:—I hereby present a petition signed by the Japanese enclosed within, asking you to stay the execution of Tanbara Gisaburo condemned to be hanged on the 26th inst. until such time as the attorney for the condemned may be able to communicate with Washington.

In behalf of Tanbara Gisaburo and of the petitioners I should feel pleased if you could give due consideration to so important and solemn a matter.

I have the honor to be Sir,

Your most obedient servant,

SABURA OKABE,

Eleve-Consul.

In charge of H. I. Japanese M.'s Consulate General, Honolulu.

In the petition of Japanese residents to the Consul the reason for their appeal is set out in full, and there accompanies this also two affidavits by K. Ono and C. Shiozawa setting out alleged discrepancies in the testimony of Tanbara and the interpretation by J. H. Hakuole. These affidavits are the same as those filed in the United States Court during the trial of the case, in a motion to have a new interpreter appointed.

Governor Dole has not replied to the message as yet and it may be several days before communication is established with him as the message would have to be carried some distance, to Eben Low's ranch, where the Governor now is.

The following is the petition of the Japanese residents:

Honolulu, December 19th, 1902.

Sabura Okabe,

Acting Japanese Consul General at Honolulu.

Honolulu.

Sir: We the undersigned, subjects of the Emperor of Japan, being desirous of suing out for and on behalf of one Tanbara Gisaburo now incarcerated in the Oahu Jail, Territory of Hawaii, under sentence, of the District of the Territory of Hawaii, of death, which said sentence is to be executed on the 26th day of December, A. D. 1902, a petition to the Supreme Court of the United States for writ of error believing that full justice has not been done to the said Tanbara Gisaburo, hereby respectfully request that you petition Sanford B. Dole, Governor of the Territory of Hawaii, for a reprieve for the said Tanbara Gisaburo.

The facts upon which this petition is predicated are as follows:

That on the 15th day of October, A. D. 1902, the Grand Jury of the United States in the District Court of the United States found an indictment against the said Tanbara Gisaburo for the murder upon the high seas of Jorgen J. Jacobsen. That thereafter said Tanbara Gisaburo was duly tried upon said indictment and found guilty and sentenced to be hanged on the 26th day of December, A. D. 1902, that since said sentence earnest and diligent search had been made by the undersigned to procure funds sufficient to sue out of the Supreme Court of the United States a writ of error, and that such funds sufficient to sue out a writ have been obtained. That unless a reprieve be obtained from the Governor of the Territory of Hawaii the sentence of the

BISHOP GULSTAN SINKING

Last evening Bishop Gulstan began sinking and is now very low. The mission fathers feel that the Bishop's end is near at hand. The manner in which the Bishop stood the voyage from Hilo to Honolulu niled the clergy with hope that the suffering prelate had taken a new lease of life, but the Bishop's new found strength was merely artificial, born of the joy he experienced in being once more at the Mission House where for more than a decade he has resided as the head of the diocese.

But few friends were permitted to see Bishop Gulstan yesterday and the fathers tip-toed about the house, lest a grating noise disturb their superior. He was so weak that it was difficult for him to speak, but he recognized everyone who entered the sick chamber.

COUNTY BILL IS NOW READY

The Republican Commission which has in charge the framing of a city and county bill for submission to the legislature will meet before the end of the week to consider the draft of the bill which has been drawn by United States District Attorney Breckons, bearing upon the government of counties. This bill has in it many of the features of the Wyoming law, but is more generally that of the State of California, the provisions being written down so as to be applicable to the conditions here.

The consideration of the measure, in the opinion of several of the men who have been connected with its inception, will take not more than a week, after which the draft of the measure will be submitted to the people for general discussion and consideration. There are many points in the bill which have combined to make its drafting difficult, but it is expected that when the meetings of the committee are finished there will be a comprehensive measure for the consideration of the public, and in turn for the taking up by the commission of the senate, which will discuss the bill and submit it to the upper house.

There has, as yet, been nothing done in the way of drawing up the city bill, and it is understood that nothing will be done before the consideration and approval of the county measure. In the case of the city measure, in the case of the city measure, then the city bill will be drawn along the same lines, and the work will not take more than two days.

The commission of the Republican party will meet either Friday or Saturday for the purpose of commencing work on the bill, and will meet daily if possible until the measure has been finished.

NO GALLOWS WORK ON CHRISTMAS DAY

"Yes, sir, chances are that Tanbara will be hanged on time on the day after Christmas. He has been sentenced to hang on that day, and we've got to carry out the sentence. We've got to have some roast pigs and other things about here on Christmas, and we don't want any gallows looming up around the prison yard or that day. It would spoil the setting for a Christmas dinner. We do not propose to have a feast at noon, and then commence work on building the scaffold, so we will have to start work on the scaffold about 1 o'clock Friday morning," said Warden Henry of the Oahu prison yesterday.

"Tanbara," he continued, "has not had as good an appetite during the past few days as he had previously, so we've had to feed him all the delicacies we can lay our hands on. He has had the best the prison affords, and of course this helped his appetite some."

Officers McDuffie and Ah On effected the arrest last night of Tam Pul, a Chinese storekeeper on Iwilei road, near King street, for selling liquors without a license. The evidence in the case is two small demijohns of Sour Mash whiskey and a bottle of sam shu. Tam Pul was released on cash bail.

court will have been executed before a writ of error could be sued out.

That your petitioners believe that the conviction of said Tanbara Gisaburo is due to the loose, incorrect and illiterate interpretation of the testimony of the Japanese witnesses from English into Japanese and Japanese into English as evidenced by affidavits hereto attached and made a part hereof.

Respectfully submitted,

Signed by Kichiro Fukuroda and 224 other Japanese residents of Honolulu.

Yesterday the cards of admission to the hanging were issued by the U. S. Marshal. They are heavily bordered in black and read as follows:

To William Henry,

Warden, Oahu Prison, Honolulu, T. H.

Admit Mr. _____

to witness the execution of

Tanbara Gisaburo

On Friday, December 26, 1902, at 10:30 a.m.

E. R. HENDRY, U. S. Marshal.

THE PLANS TO WELCOME THE SILVERTOWN

A Special Steamer Will Carry Guests to Meet the Vessel.

When the Silvertown comes to Hawaii there will be a general welcome extended, and, although the officials of the cable company will not go out to officially visit the steamer before it enters port, there will be a number of the city people who will make the trip outside in a special steamer for the purpose of extending their aloha to the cable layers.

The decision of the officials of the company was reached yesterday, when they concluded that they would find their time well occupied with the shore arrangements, and so would not go out. They would not be able to be of any assistance to the ship's people as they believe that the vessel, after dropping the sea end of the cable, will at once steam into the harbor, and that they will then have plenty of time to communicate with the captain and the chief engineer.

The most necessary portion of the cargo of the ship to the local office is the shipment of instruments which will be used in the working of the wires. These are the recorders and the condensers, and the delicate instruments must be handled with such care that they could not well be transferred at sea, and consequently there is a necessity for the ship to come to the dock to land them. The unpacking of these goods will take some time, and there is the utmost care needed. This is probably the reason why they were not taken from the cable ship and sent down in the Zealandia the last trip.

The arrangements for Cable Day are progressing, and the committee will be called together, if any information comes today in the Sonoma from Fanning, or in the Nebraska from San Francisco. The committee has prepared

THREE YOUNG BURGLARS SPENT MONEY RECKLESSLY

Rob J. H. Forrest of \$105, Divide the Cash, Go Out for a Glorious Time, and End by Landing in a Jail Cell.

After spending two days in riotous living, three small boys, two Portuguese and one Hawaiian, were placed behind the bars last night for burglarizing the room of J. H. Forrest, a roomer at Helen's Court, on Sunday morning. The \$105 which the boys stole from a tinsmith's pocket of the victim were divided amongst the three young imitators of Jesse James, and what was not spent in buggy riding, luau, crap shooting and clothes was generously presented to friends. The boys were high rollers for two days and will probably reside within prison walls for a long period. Dan Renear ran the trio down and jailed them.

Willie Silva, a youth of fourteen years, a graduate of the Reform School, told a straightforward story of the robbery last night. His companions were Tom Silva, aged sixteen, and Chas. Kellikueva, alias "Captain Cook," aged thirteen. Willie was arrayed in new clothes from the crown of his head to the sole of his foot and gloried in a brand new drum which the officers allowed him to take to his cell. He also had a watch.

"The native boy knew Mr. Forrest," said Willie. "The boy says he had money and knew where he lived—in Helen's Court. You see I got no home since I leave Reform School—except sometime I go sleep at my uncle's house. So about six o'clock Sunday morning we go up to Helen's Court and the other boys tell where the room is and tell me to go inside and see if I can find some money. I go up to the door and the other boys keep watch outside. I try the door and it opened. I wasn't locked at all. I go inside but I scared, although I thought maybe he already go out. But I see him lying on bed sleeping like and snoring. I much afraid, but I see his pants on a chair and I go up quick and feel inside pocket and find a purse. I took it and go quick out the door and he no wake up. We all go away together and bymeby the native boy say let me have the purse—we divide up. He started to give out the money, but I tell him he no can count money. I give him five gold dollar, almost as big as a silver dollar. I keep two gold dollars and a silver half dollar. The native boy take gold dollar and some silver and the Portuguese boy take some more. The native boy go away but bimby come back and want the hand.

ed a tentative program which will make the day full of interest, and the members believe they will have the very fullest attendance of the people during the ceremonies.

Superintendent of Public Works Cooper will represent Governor Dole during his absence, and will therefore not only reply for the Governor to the message of President Roosevelt, but will, as well, preside at the great meeting which it is planned to hold in commemoration of the event. The most striking feature of the entire day will be the firing of a salute of 100 guns in honor of the receipt of the first message, which will be that from the President of the United States.

The landing of the shore end of the cable at the cable house at Waikiki will be one of the most largely attended of the various events surrounding the opening of telegraphic communication, and, as the lot of the cable company is very small, there will be issued for the occasion special tickets of admission, which will serve to keep the grounds from being overcrowded and the work of the men thus hampered.

The completion of the work of laying and connecting the land cable marked yesterday. The last of the splices was made about noon, and the cable house was immediately connected with the main office in the Young building by telephone. The preliminary tests were made and found to be perfectly satisfactory, and the final tests will be made today. The cable is pronounced by those who have to do with it electrically of the very best order, and there will be no trouble through its working if the use of it made by the telephone is a criterion.

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some more. He go and give his father a gold dollar."

"Well, how did you spend all your money?"

"Oh, I go to Sing Loy's and buy new suit clothes for \$6, shoes for \$2, new shirt for 35 cents, socks for 15 cents, hat for \$2, suspenders for 25 cents. I had a meal for 15 cents. Then I bought a drum. The native boy came after some more money and when Dan arrested me I only had about \$4 left. I don't know what they buy with their money, but I think they have a good time, ride 'round in buggies."

"I went to the Reform School because I stole a bicycle. I got out last August and wanted to live right, but I meet this native boy and this Portuguese boy and they lead me on to be bad. I didn't want to steal the money, but they made me do it. They're bad boys."

Willie shed no tears during the recital of his tale, but he was very sleepy. He yawned and his head fell forward on the barred door while he was speaking and it was with an effort that he could carry on a conversation. The events of the past two days had been too much for him, but his yawns came as if he was bored.

There were \$150 in Mr. Forrest's buckskin purse when the boys took it, but a roll of bills was dropped as Silva went out of his room, and also a lucky gold piece of no special value except to the owner. "Captain Cook" had \$4.10 when he was arrested. Officer Renear found the boys on upper Fort street, a Chinaman having given him a tip as to the whereabouts of the youngsters were displaying.

Polio at Hilo.

One of the things that will be considered at the meeting of the Oahu Polo Club this evening will be the proposal of the Hilo people to appropriate \$100 for the purpose of meeting the expense of a visiting polo team. The local players have their horses out at this season, but it is probable that there may be found a four willing to make the trip and give for the Hilo people an exhibition of the game during their week of sojourn. The Hilo people have requested that the band be sent to them during the races, and it is understood that in the event of the cable celebration being brought off on Saturday of the present week, there will be no trouble about the going of

FATHER LIBERT CHOSEN

Father Libert, in charge of the Catholic mission at Waialuku is the first choice of the Catholic clergy of Hawaii for bishop to succeed the Bishop of Panopolis. The nominations were sent several weeks ago to the Propaganda at Rome. The election was held before the Bishop left for Hawaii on the trip which resulted in his illness. The ballots were counted by him, and the nominations of first, second and third choice forwarded by him to Rome. They are probably in the possession of the Vatican officials now, and the appointment may be expected at any time.

Should the Propaganda appoint Father Libert as Bishop Gulstan's successor, he will be assistant cum jure successionalis—or with the right of succession during the present Bishop's life, and will succeed to the office. Father Libert is a Belgian, of middle age, strong and healthy, and is imbued with progressive ideas.

MARINERS HAD A MERRY TIME

When Honolulu Harbor No. 54 meets in social session there is bound to be fun. During the heavy rain of Sunday night a special meeting of the lodge was held and afterwards the captains and harbor men who make up the lodge assembled in the Grill for a dinner. The table was loaded with the good things of both farm and vineyard and the waterfronters toasted each other until a late hour. Captain Parker was appointed a committee of one to make arrangements to send a cablegram containing New Year's greetings to the San Francisco lodge just as soon as the cable shall be open for the transmission of messages.

There were many speeches and many of these were of a decidedly merry nature. Admiral Beckley was called upon for a speech. He said that he had done all of his speechmaking during the campaign. He had selected his man. It was through his work that Prince Cupid was now delegate. He had finished the speechmaking business when he succeeded in electing the Prince but wished to say that Honolulu Harbor No. 54 was making good progress and hoped that it would make even better progress in the future.

Captain Parker occupied the head of the table. He rolled out a continual round of fun. He called upon Captain Clarke for a speech but the Captain declined modestly on the ground that he was "taking care of his complexion." Captain Olsson, "the saviour of steamers and lives," made a modest little speech. Captain Simerson of the Mauna Loa was called upon to make a speech, Captain Parker referring to his vessel as the "greyhound of the Islands." Then there was a hot round of comments on the capabilities of the two rival vessels, the Kinau and the Mauna Loa but this was settled by Captain Clarke declaring that Captain Simerson had things on his vessel down so fine that he could run her on hot air and water.

Captain Parker told of an adventurous automobile ride he had taken from Waikiki to Honolulu. Without the services of a pilot he declared that he had taken his craft safely into Honolulu and did not give it into the hands of a professional auto driver until he reached King street.

Captain Searle related some of the stories of storm and disaster that he had been mixed up in during the long and tedious voyages of the sugar liner J. A. Cummins from Waimanalo to Honolulu. His mate also made a speech.

The health of the two presidents of the Inter Island Steamship companies was proposed and duly drunk.

The waterfronters had hard luck although they had a fair attendance. Many of their members were out of the city and others were probably kept away from the meeting because of the heavy rain, but it is safe to say that the Grill will not be able to hold the crowd that would assemble were the harbor men to send out notices for another feed around "George's" festive tables.

Mrs. Berger states that the appeal for aid for the Kona Orphanage, which was made through the Advertiser, had a generous response. There were received nine boxes and two parcels of gifts, one full of candy and \$5 in cash. The freight was hauled free to the wharf by Lowers & Cooke and the Mauna Loa gave it a free trip to its destination. The donations included toys, clothing, books, pictures, games and fruit.

WANT LOTS FRONTING ON ESPLANADE

Bishop Estate Is Ready to Make Exchange.

Proposals have been made by the trustees of the Bishop estate to the government for the exchange of lands for the plot at the corner of Bishop and King streets, which is wanted for the postoffice site, and if Governor Dole agrees to the plan which has been suggested, the deeds for the land will pass at once. Messages have been sent to the Governor, who is now at the ranch of Eben Low, and an answer is expected at once which will authorize the acceptance of the proposition.

While the details of the proposal are not made public, it is understood that the Bishop estate trustees will exchange their holding for a plot of ground on the Esplanade, which will not in any way interfere with the carrying out of the further plans of the committee for the making of ample provision for the custom house and a suitable park about that site. This would indicate that the Bishop estate would take lands which front on Allen street, the leases being short time ones, which might as well be terminated by the government offering others in their place.

Commissioner Eustis is ready to leave for the mainland when the negotiations reach such a stage as to indicate that their termination will be favorable to the settlement along the lines which have been marked out as agreeable to the people. An effort was made to arrange for his departure today in the Sonoma, but he concluded to stay and see it out.

Had it been possible for him to go, it was felt there would have been a better chance for carrying out the plan of the committee and the urging of action upon a bill to provide for the erection of the buildings this session. However, he will forward a report, and carry on all the papers with him in the Korea.

While this is the status of the public building site, there is a greater unanimity on the question of the coinage matter. The banks and the committee named by Governor Dole will send through the Commissioner the same brief, in effect, that was presented to the Senate Commission during its stay here. The action will be urged as necessary for the stability of the circulating medium, and the bill which has been before Congress providing for the recoinage of the local silver will be endorsed for passage, as a solution of the matter.

The committee which was named for the purpose of considering the matter of the lighthouses will make a report which will be practically a copy of the report made up by Lieutenant Rodman of the Naval tug Iroquois, and which calls attention not only to the need for Island lights, but as well for lights on the points where the deep water vessels have to pass on their way to this city and Hilo. The committee finds that this report contains a complete summary of the needs of the Islands, and they will submit it to Commissioner Eustis with the recommendation that he urge action along these lines when he returns to the Treasury Department.

Among the matters which Mr. Eustis has taken under consideration it is said that none has greater importance to the Department than the selection of a shipping commissioner. It is understood that Mr. Eustis will recommend B. Griggs Holt.

DOUBLED THE HORN IN FINE WEATHER

After a very fine voyage of 122 days from New York, and having enjoyed fine weather during all of the time, the bark Foohing Suey, Captain J. E. Willett, arrived in port yesterday. Captain Willett was jubilant over his trip, and spoke of having performed a feat that vesse's doubling angry Cape Horn seldom accomplish. He got around the Horn in eight days' time, having a good wind all the way. His passage was a slow one before reaching the Horn. He took forty-four days to reach the Equator from New York, and seventy-five days to reach 50 degrees south.

The vessel has a cargo of 1,600 tons of general merchandise, which she will discharge at Brewer's wharf and will take a load of sugar from Honolulu and Kahuili to New York. Captain Willett has his vessel in tip top condition. Her decks have been polished and oiled, and not a scrap of gear is on the vessel which is not newly painted.

Off Koko head on Sunday night the vessel encountered a terrific rainstorm.

RESCUED FROM THE STREAM

Native Woman Is Very Nearly Drowned.

(From Monday's daily.)

The sight of a woman struggling for her life in the rising waters of Nuuanu stream, at about 6 o'clock last evening, just below the Pacific Heights Railroad bridge, caused two Portuguese to put forth strenuous efforts until she was saved. They dragged her from the muddy stream half dead from wounds received in striking against boulders, and as well half drowned.

The woman, who is known in the upper valley as Mary, attempted to cross the railroad bridge during the heavy rain storm and had got about half way over when she made a misstep and fell from the side of the structure. Owing to the rainfall of the afternoon, the stream was swollen to the banks and this undoubtedly saved the woman's life, as otherwise she would have been dashed to death upon the rocks in the bed of the stream. When she struck the water she screamed and the attention of the two Portuguese was attracted. She was seen to struggle in her efforts to keep herself upright, but she was whirled about and tossed against the larger boulders, being half the time under the water, until she became exhausted.

Finally the men plunged into the water and dragged her out in a fainting condition. She was taken to a house near by and resuscitated, and then taken to her own home and a physician called. The police were notified and the patrol wagon was kept in readiness to take her to the hospital if necessary. The woman had quite recovered last evening from her unusual experience.

STORM WAS GENERAL.

The storm which struck the city about 2 o'clock yesterday afternoon continued unabated throughout the day and evening. There was but few intervals when the rain was not descending in torrents, and the storm sewers down town and along King street in the residence section were overtaxed. The rain became so heavy toward evening that the streets became deserted, and only the most devout braved the storm to attend services in the churches.

The rainfall merged into floods as the water reached the lower levels of town. The slopes of Punchbowl seemed reservoirs which opened with full force into the streets, emptying into Beretania and King streets, which were soon transformed into muddy lakes.

The car lines were both affected by street mud piling up on the tracks, and progress was retarded in many places. The Rapid Transit was especially affected on its Lunallilo street line, and cars were thrown from the track at the intersection of Lunallilo and Pensacola streets, and also at the Beretania pumping station. Gangs of men were sent out along the road to watch the most dangerous places and keep the tracks free from stones and mud. In this way the system was open, although cars were not running on the exact schedule.

Nuuanu stream became a river as the night wore on, and rose high below the falls, below Kuakini street. Prof. Lyons predicted for today a continuation of yesterday's storm.

The Hamano Case.

The appeal of H. Hamano from the decision of the New York Board of General Appraisers was argued before Judge Estee yesterday. Mr. Highton, who appeared on behalf of the Japanese importers, of sandals which had been classified as iron, contended that the classification was palpably absurd, that the shoes were of rawhide, and that rawhide was the nearest approach to leather. He claims that they should be assessed as leather at twenty-five per cent ad valorem under the similitude clause, and not as iron at forty-five per cent. The matter will be submitted on briefs, so no response was made by Mr. Breckons.

An improved egg-testing process which has been awarded a medal by poultry breeders in Saxony is claimed to determine the age almost to a day. It depends upon the fact that the air cavity at the blunt end of the egg enlarges with age, giving increasing tendency to float point downward in a salt solution. A scale at the back of the vessel gives the inclinations corresponding to various ages. A fresh-laid egg lies horizontally on the bottom of the vessel; when three to five days old it is raised to an inclination of about twenty degrees from the horizontal; at eight days the angle increases to about forty-five degrees; at fourteen days it is sixty degrees; at three weeks it is about seventy-five degrees; and after four weeks the egg stands upright on its point. The solution contains about eight ounces of salt in a pint of water.

In his experiments with various vehicles, M. Michella has found that iron tires require greater motive power than either solid rubber or pneumatic. An electric automobile, running at 5 per cent greater speed with pneumatic tires took 18 per cent less power than when fitted with solid rubber tires and, in stopping, the solid tires required an increase of 14 per cent in braking power.

SETTLEMENT IS IN SIGHT

Dowsett Case to Be Taken Out of Court.

The case of Ernest L. Heuter, trustee for Mrs. Heuter (nee Widemann) vs. J. M. Dowsett, a suit to terminate the trust deed held by Mr. Dowsett, will probably be settled out of court according to the announcement made yesterday morning before Judge Robinson. In the suit it was alleged that Dowsett obtained control over Mrs. Heuter's property wrongfully while she was a minor and refused to turn over certain property. In the answer filed by Mr. Dowsett sensational allegations were made concerning Miss Widemann's marriage engagements and the trial promised to be exceedingly interesting. Mr. Wilder, for plaintiff, asked yesterday morning for an immediate hearing of the case, but Judge Stanley, appearing for Dowsett, objected and stated that negotiations were in progress looking to a settlement out of court. He stated that he had received advices to that effect from San Francisco and upon his motion the matter was continued for a week. Mr. Wilder stated that he had no intimation of settlement, the last advices received by him being to push the case to trial. He said afterwards that family reasons were probably responsible for the settlement.

VIVAS GETS HIS FEE.

Judge Robinson yesterday rendered judgment for the plaintiff in the case of J. M. Vivas vs. R. Codeliro in the amount of \$200 and costs. Vivas sued for an attorney's fee which the defendant refused to pay. It appeared from the evidence that Vivas had made an agreement with Codeliro to sell the latter's property, he to receive all in excess of \$300. In the meantime the defendant himself sold the land for \$500, and Vivas claimed \$200 as his fee. The court gave him judgment for that amount, the contract being admitted.

WITHDRAWS CASE.

The case of Koolau Kalkinabao vs. J. O. Carter and S. C. Allen, suit for an accounting and upon a mortgage, was dismissed yesterday upon motion of C. W. Ashford, attorney for the plaintiff. The case was on trial before Judge Gear and the defendants showed that there had been an actual payment of \$2,500 upon the mortgage in dispute whereupon the complainant dismissed the suit, stating that this proof was all that had been desired. There are two other cases in which the same matters are involved and these will also be dismissed. The case has been in litigation in district, circuit and supreme courts for the past six months almost to the exclusion of everything else. The plaintiff is still in possession of the property claimed under the foreclosure of mortgage.

Another suit involving the same land has been started against Ethel and Herman Kalkinabao by C. W. Ashford. He claims to have leased the land from Mrs. Kalkinabao May 16, 1900, for \$140 per year for a term of twelve years. He alleges now that S. C. Allen entered into possession and sold the land to J. O. Carter and that he has been damaged in the sum of \$7,915.50, for which amount he asks judgment.

SERVICE IS QUASHED.

In the case of Enterprise Mill Co. vs. Pacific Mill Co. et al., service was quashed by Judge Robinson as to Ernest May and W. H. Arneemann, garnishees. In the motion asking that this be done it was alleged that there had been no showing that either of these parties had property belonging to the defendant. Judge Robinson sustained that view, though plaintiff contended he had followed the statute literally. The court held that to allow anyone to be garnished without any showing as to possession of property liable to such action, would cause endless annoyance.

NOAR CITED FOR CONTEMPT.

Isaac Noar, erstwhile candidate for Territorial Treasurer, has been cited to show cause why he should not be punished for contempt for failure to obey the order of the court in the case of Lee Chu and C. K. Ai vs. Isaac Noar. He is to appear before Judge Robinson this morning. Will E. Fisher was appointed as receiver for the Star block, owned jointly by the parties to the suit, and he alleges that Noar interfered with him by charging the tenants not to pay their rent. He says that Noar forcibly sought to eject him, and later he prevented him from entering the building.

BOYD WILL APPEAL.

Stipulations were filed yesterday in the Jas. H. Boyd embezzlement case, allowing thirty days in which to file exceptions to the order of the court denying defendant's motion to quash the so-called open venire for grand jurors therein; denying defendant's challenge to the array of grand jurors, denying defendant's plea to the jurisdiction of the court and denying defendant's plea in abatement.

SUMNER WANTS NEW TRIAL.

A motion for new trial has been filed by defendant in the case of Y. Ahin vs. John K. Sumner. Error in admitting and rejecting evidence and in refusing defendant's instructions are alleged.

COURT NOTES.

Motion for default has been withdrawn in the case of S. Ozaki vs. Hawaii Land Co. Judge Robinson yesterday legalized the adoption of Lee Rak Wong by Ho Tim.

BISHOP SITE FOR A NEW POSTOFFICE

Committee Declares for the King Street Plot Without Dissenting Voice.

With plans for a magnificent building to house the postoffice, courts and other Federal departments located at Bishop and King streets and three blocks on the waterfront devoted to a Customs House and surrounding parks and gardens, the committee which for two weeks past has been considering public building sites has completed the first part of its work on lines which mean much for the future of Honolulu. Conferences which will have for their end the transfer of the block of ground for the first mentioned structure from Bishop Estate to the Territorial government, and then to the Federal authorities, will begin this morning and will be pushed to as speedy a conclusion as the nature of the negotiations will permit.

In the event of the coming to terms of the two parties to the deal, Commissioner Eustis will bear back to Washington the title to the land, with the opinion of the United States Attorney that it is good and sufficient, as well as the assurance to the Secretary of the Treasury and Congress that the majority of the people of the city hope to see erected upon the grounds a building which will set the note of municipal progress.

The absence of Governor Dole will not materially delay the action of the local government, in its efforts to arrive at a satisfactory exchange for the property which is the choice of the majority of the committee and which received its unanimous vote. The Governor will be in touch with the local officials by telegraph, and this will mean that in the event of a proposal which seems satisfactory, there will be little more to do than the mere fixing up of the title, which will take only a few hours at the most. The lands of the estate have a perfect title and there would be no difficulty on this score.

The action of the committee on Saturday increased the size of the plot which is now desired by the committee for presentation to the government. The size of the block is to be 195 feet on King street and the same on Bishop street. This will not make a perfect square for the site, owing to the jutting out of the Boston Block property, which is only 143 feet from the King street side and which would mean that there is an L on the Bishop street side of ninety by fifty-two feet. The added surface means that the value of the land is increased from \$100,000 to \$130,000. This is on the basis of \$4 a foot for the property.

While no propositions have come from either side as yet, there are a number of properties which have been under consideration by both the government and the trustees of the estate. The present site of the postoffice has been considered and is still being talked of by Estate folk. The vacant lot on the other side of Bethel street as well has been considered. It has developed that the assessment upon these blocks of land, as well as adjacent corners in Merchant street is at the rate of \$5 a foot, as against \$4 for the Bishop street plot.

In addition to these central lots the estate trustees have discussed certain Esplanade lots which still rest in the Territory. There are also lands at Alea, which are variously valued at from \$20,000 to \$40,000 and also some lands on Hawaii, adjacent to lands now owned by the Bishop estate, of comparatively small value which have been considered. The opinion of all those who have gone over the matter at all is that there will be arranged an equitable settlement, and that the outcome of the discussions will be the transfer of several blocks of property both inside the city and outside as well, for the block which

A general denial has been entered in the divorce libel of Chise Fughishige vs. T. Fughishige.

An appraisal was filed yesterday showing the value of the George E. Boardman estate to be \$50,393.35. The inventory originally filed showed \$63,792.33 worth of property.

SATURDAY IN CIRCUIT COURT

Judge Gear on Saturday rendered a decision overruling the demurrer in the case of C. A. Brown vs. A. W. Carter, et al. The court holds that the by-laws passed by a majority of the stockholders of the H. Estate are inconsistent and contrary to the charter of the company and therefore illegal and void. This practically settles the controversy in Brown's favor.

Judge De Bolt will take up the Sumner case again this morning. At that time a motion will be presented for a continuance on behalf of the Ellis heirs. It will be set out in the motion that John S. Ellis and W. S. Ellis are out of the Territory and that their testimony is greatly needed. Arrangements will probably be made for taking the testimony of Bishop Gulistan at his bedside, as he is too ill to appear in court. An answer has been filed by Mrs. Flint to the divorce libel of H. W. Flint in which she denies the allegations made by him. She also petitions the

is needed by the Federal government. There will be a meeting of the parties in interest today. The trustees of the Bishop estate are not all in the city, Col. W. F. Allen being absent, the affairs resting in the hands of Messrs. J. O. Carter, A. W. Carter, S. M. Damon and W. O. Smith.

The decision that the committee should recommend the Bishop street plot of ground for the postoffice and courts building, was reached at a meeting of the committee held Saturday morning at the office of Alexander & Baldwin, which was fairly well attended. The meeting was called to order and then the committee decided to hear Dr. L. E. Cofer, of the Marine Hospital Service. Dr. Cofer began by saying that the needs of his branch of the service were great, and that there was no chance in the present Custom House building to accommodate the various offices. The marine hospital, the quarantine and the immigration inspection services needed space and were unable to get it.

Collector Stackable as well made a statement and showed drawings of the interior arrangements of the present Customs House buildings showing the cramped quarters where the men were compelled to work. He suggested that the Territory should give to the Federal government certain other properties covering the adjoining blocks of land.

There was then a general discussion of the several sites which have been mentioned, and a lot not heretofore mentioned, on Edinburgh street, the property of the Union Feed Company, was entered into the lists. Collector Stackable said that in his opinion if there should be a change necessary, in that all the buildings should be under one roof, then the Customs House would have to come down. After a longer discussion the committee came to a vote on the motion of George R. Carter that in the event of an agreement between the government and the trustees of the Bishop Estate the committee would recommend the Bishop street plot for the postoffice and Federal offices other than the customs. This passed without dissent.

Senator Carter then moved that the committee recommend that the Territorial government transfer to the Federal authorities the remainder of block 28, and the entire blocks 29 and 30, as set down in the underwriters map. This would complete the holdings of the National government in the block of which the makai end is now used for a lumber yard and the mauka end for the Customs House and warehouses, and would give to the government all the land on the front, extending from Port to Alakea streets.

It was the belief of the members of the committee and those officials present, that if this could be done there would then be space for the erection of a suitable Customs House and the remainder of the blocks would be laid out in parks, where with tropical foliage there would be an attractive sight offered to visitors. Commissioner Eustis said that he thought this would be well worth the effort, for it would give a most pleasing impression to those who come to the city.

Chairman Thurston was appointed a committee to wait upon the two parties in interest in the proposed transfer of lands for the site for the postoffice building, and endeavor to secure speedy action. The committee then adjourned. Letters were sent to the Bishop Estate and Superintendent of Public Works Cooper announcing the decision of the committee during Saturday, and meetings for conference will be held today.

A court for an allowance for attorney's fees to defend the case, alleging that she is destitute.

NEW RULES FOR STOCK EXCHANGE

A meeting of the Honolulu Stock & Bond Exchange was held Saturday morning at which new rules regarding commissions were adopted. These rules, being the report of the committee, are as follows:

"A commission shall be charged on all stocks and bonds bought or sold by members of this exchange. On all stocks selling at less than \$5 per share a commission shall be charged of not less than 6 1/2 cents per share, on all stocks selling at \$5 and below \$25 a commission shall be charged of not less than 12 1/2 cents per share, and on all stocks selling for \$25 and below \$50 a commission of not less than 20 cents a share, and for all stocks selling for \$50 and above, a commission of not less than 1/4 of 1 per cent shall be charged.

"A commission of not less than 1/4 of 1 per cent shall be charged on all bonds. The only exception of this rule of commission shall be in transactions between members of this exchange. There was discussion also of the matter of securing cable quotations, and J. F. Morgan was appointed to ascertain terms upon which a daily market report can be obtained. A cablegram of congratulation is to be sent to the San Francisco exchange upon the opening of the cable.

LONG WAIT FOR SUMNER

Case Is Continued Until Next Friday.

The Sumner case went over again yesterday until Friday morning because of the illness of Attorney J. A. Magoon, and on that day another motion for continuance will be submitted on behalf of Humphreys' clients, the Ellis children. Yesterday's proceedings were marked by the usual "quips and quidnits of lawyers" and Sumner seems a long way yet from getting possession of his \$48,000, despite the assurances and well-wishes of his two branches of relatives and the numerous attorneys who are interested in the case. Yesterday there was a proposition to relieve Bishop Gulistan of the trusteeship because of his critical illness, and W. O. Smith was agreed upon as his successor, though the attorneys are still quarrelling as to the effect this substitution would have upon the trust deed, and quite incidentally the \$48,000.

When the case was called up yesterday morning before Judge De Bolt E. C. Peters, representing Maria S. Davis, asked for a continuance because of the illness of Mr. Magoon who is associated in the case, and who desired to reply to the accusations made by Humphreys, against his personal integrity. Humphreys agreed to the continuance on behalf of the Ellis children, but Davis objected for the defendant, John K. Sumner, and asked for immediate trial. Davis proposed a settlement of the case, suggesting that Humphreys should agree to the discharge of the Bishop and the release of the \$48,000 as the Ellises had already received \$30,000. Humphreys offered to allow the discharge of the Bishop if the remaining counsel would agree to the appointment of a successor. Court adjourned until afternoon to give counsel an opportunity to agree on this point.

In the afternoon Davis offered to stipulate that W. O. Smith be appointed trustee to succeed the Bishop, but with the provision that the suit be carried on as instituted. Humphreys objected to this saying that Smith might want to discontinue the proceeding entirely, and consent that Sumner have the \$48,000. Mr. Davis said that the Bishop would probably never be able to give his testimony and that he wanted the case tried at once. Davis related incidentally a bet he had made of \$100 over the outcome of a habeas corpus case which he had won from Humphreys, but he had refused to accept the money. He agreed to have W. O. Smith substituted as trustee and said that it was not necessary to have Mr. Magoon present, as he would get his fees anyway. "His partner, Mr. Peters, is here," continued Davis, "and will have to launch out into these higher matters sooner or later, and might just as well do it now as any other time. I was attorney of record in the Kamalo case and when I left for San Francisco they had my name stricken from the record and went into the trial of the case, but I got my rights anyway."

"You are not going to California now, are you?" asked Judge De Bolt. "I don't know, I am going north as soon as I can get away, but never will I leave until the Sumner case is settled."

Humphreys said that there could be no substitution of a trustee and still have the action carried on as at present. "While Mr. Smith is a pious man, he is not reverend nor unduly concerned with spiritual affairs," said the attorney, picking out further variances in the petition of Bishop Gulistan. Judge De Bolt asked how the case could be carried on with a new trustee, if the same facts ceased to exist, to which Davis replied that there should be a stipulation to carry on the suit. The court stated that the matter of appointment of trustee should be approached with great deliberation, and that the new trustee might not take the same position as that maintained by the Bishop. He said further that the matter was too badly mixed up for an immediate hearing.

Mr. Peters then renewed his motion for a continuance saying that Mr. Magoon should be given a chance to defend himself from the charges brought against him. He said Magoon had his reputation to care for, as well as his right to future practice, and the matter should not be lightly dealt with. Peters charged Davis with wanting to go ahead of his own accord, while if circumstances had been reversed he would have been the first to ask for a chance to defend his reputation. Davis replied that if there was anything scandalous in the answer of Humphreys the court would strike it out of its own motion and that no trouble would follow the allegations concerning Mr. Magoon as they were but "verbiage." Judge De Bolt set the hearing for Friday morning at ten o'clock saying that the case would have to proceed at that time, unless very good reason for a continuance was given. Just as court adjourned Humphreys attempted to serve upon Peters his motion for a second continuance, but the service was refused. This is the motion on behalf of the Ellis heirs setting out their absence from the Territory, and the illness of Bishop Gulistan. Davis predicted after the adjournment of court that it would take two years to finally dispose of the case.

In the singular failure of the old windows of York Cathedral the glass has lost most of its transparency, and in places has become so perforated that it crumbles at the slightest touch. To stop the "disease" some plans of the thirteenth and fourteenth centuries have been removed. It is known that the hardest cement is sometimes disintegrated by chemical action set up by minute organisms, and it is supposed that the destruction of the glass has been due to some fungus.

HOW NATIVES ONCE FISHED

Women Got the Octopus With Spears.

(WRITTEN BY MRS. EMMA METCALF BECKLEY, CURATOR OF HAWAIIAN NATIONAL MUSEUM, 1883.)

The Hawaiians have five methods of fishing: by spearing, hand catching, baskets, hook and line, and with nets. The Ia O is the spearing of fish and is of two kinds, below and above water. That below water is the most important, and is generally employed for the different kinds of rock fish. The spear used by the diver is a slender stick of from 6 to 7 feet in length made of very hard wood and sharply pointed at one end, but more tapering at the other. Since the possession of iron, spears are always tipped with it, but perfectly smooth, without hook or barb. Diving to a well-known station by a large coral rock or against the steep face of the reefs, the diver places himself in a half crouching position on his left foot, with his right foot free and extended behind, his left hand holding on to the rock to steady himself, watches and waits for the fish. Fish in only two positions are noticed by him, those passing before and parallel to him, and those coming straight towards his face. He always aims a little in advance, as, by the time the fish is struck, its motion has carried it so far forward that it will be hit on the gills or middle of the body and thus secured, but if the spear were aimed at the body it would be very apt to hit the tail, or pass behind. When the fish is hit, the force of the blow generally carries the spear right through to the head, thus bringing the fish up to the lower part or handle of the spear, where it remains whilst the fisherman strikes rapidly at other fish in succession should they come in a huaikal (train) as they usually do.

Except in the case of Oopuhue spearing, above-water spearing is very rarely used, and then generally in connection with deep sea line and hook fishing. Oopuhue is the well-known poison fish of the Pacific, but of delicious flavor. It is generally speared in enclosed salt water ponds from the stone embankments. The poison of this fish is contained in three little sacks which must be extracted whole and unharmed. The fish is first skinned, as the rough skin is also poisonous in a slight degree. Should the teeth of the fish be yellow then it is so highly charged with poison that no part of its flesh is safe even with the most careful preparation. Oorahue caught in the open sea are always more poisonous than those from fish ponds.

Some fishermen dive to well-known habitats of certain fish and lobsters and, thrusting their arms up to their armpits under rocks or in holes, bring out the fish one by one and put them into a bag attached for the purpose to the mulo or loin cloth. Women frequently do the same in shallow waters and catch fish by hand from under coral projections. It is also a favorite method employed by women in the capture of the larger varieties of shrimps and oysters in the fresh water streams and kaly ponds. Gold fish are also caught in that way and at the present time form no inconsiderable portion of the daily food of the poorer classes living near kaly patches or fresh water ponds. Their power of reproduction is very great. The different kinds of edible sea slugs are caught in the same way, although the larger kinds are sometimes dived for and speared under water.

There are two ways of octopus fishing: in shallow water the spear is used. Women generally attend to this. Their practised eye can tell if an octopus is in a hole whose entrance is no larger than a silver dollar, and plunging their spears in they invariably draw one out. These mollusks have the peculiar property of drawing themselves out and compressing their bodies so as to pass through very narrow apertures many times smaller than the natural size or thickness of their bodies. Those caught in the shallow waters vary from one to four feet in length, but the larger kinds live in deep water always and are known as heokaulu (blue water octopus). They are caught with cowries of the Mauritian and sometimes of the Tiger species. One or more of these shells is attached to a string with an oblong pebble on the face of the shells through which the line is passed, and having been fastened is allowed to project a few inches below, and a hook whose point stands almost perpendicular to the shaft or shank is then fastened to the end of the line. Only the finest kind of Mauritian or Tiger cowries are employed for this purpose as the octopus will not rise to a large spotted or ugly one. The spots on the back must be very small and red, breaking through a reddish brown ground, such a shell would have the strongest attractions for an octopus, and is called ipu leu in cowries with suitable spots, but objectionable otherwise, as slightly steamed over a fire of sugar cane husks. This has the effect of giving them the desired hue.

The fisherman having arrived at his fishing grounds first chews and spits on the water a mouthful of candle nut meat which renders the water glassy and clear, he then drops the shell with hook and line into the water and swings it over a place likely to be inhabited by an octopus. This being a voracious animal is always according to Hawaiian custom, when in its hole, keeping a lookout for anything edible that may come within reach of its sight. The moment a cowrie is seen to be attracted to the shell (which is of the attractive kind, one cowrie after the other comes out, and finally the whole body is withdrawn

(Continued on page 5.)

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Theo. H. Davies & Co.
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AGENTS FOR FIRE, LIFE AND
MARINE INSURANCE.

Northern Assurance Company
OF LONDON, FOR FIRE AND
LIFE. Established 1836.
Accumulated Funds \$2,975,000.

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Reduction of Rates.
Immediate Payment of Claims.

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IMPERIAL LIME

98 15-100 Per Cent Pure.

The very best Lime and in the
best containers.

In Lots to Suit.
Low Prices.

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AGENTS.

Olaa Sugar Co., Ltd.
ASSESSMENTS.

The twenty-fourth and final assess-
ment of 10% of two dollars (\$2.00) per
share has been called to be due and
payable December 20, 1902.
Interest will be charged on assess-
ments unpaid ten days after the same
are due at the rate of one per cent (1%)
per month from the date upon which
such assessments are due.
The above assessments will be pay-
able at the office of The B. F. Dilling-
ham Co., Ltd., Stangenwald building.
(Signed) **ELMER E. PAXTON,**
Treasurer Olaa Sugar Co.
May 12, 1902. 2383

Clarke's
Blood
Mixture

THE WORLD-FAMED BLOOD PUR-
IFIER AND RESTORER.
IS WARRANTED TO CLEAR THE
BLOOD FROM ALL IMPURITIES FROM
WHATEVER CAUSE ARISING.

For Scrofula, Scurvy, Eczema, Skin and
Blood Diseases, Blackheads, Pimples and
Sores of all kinds. It is a never failing and
permanent cure. It
Cures Old Sores.
Cures Sores on the Neck.
Cures Sore Legs.
Cures Blackhead or Pimples on the
Face.
Cures Scurvy.
Cures Ulcers.
Cures Blood and Skin Diseases.
Cures Glandular Swellings.
Clears the Blood from all impure mat-
ter. From whatever cause arising.
It is a real specific for Gout and Rheu-
matic pains.
It removes the cause from the Blood
and Bones.
As this Mixture is pleasant to the taste
and warranted free from anything injuri-
ous to the most delicate constitution, it
either acts, the Proprietors solicit sufferers
to give it a trial to test its value.

THOUSANDS OF TESTIMONIALS OF WON-
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FROM ALL PARTS OF THE WORLD.
Clarke's Blood Mixture is sold in bottles
at 25c each, and in cases containing six
times the quantity, sufficient to effect
a permanent cure in the great majority
of long-standing cases. BY ALL CHEM-
ISTS AND DRUGGISTS. MEDICINE VENE-
DORS throughout the World. Proprietors
THE LINCOLN AND MIDLAND COUNT-
IES DRUG COMPANY, Lincoln, Eng-
land. Trade mark—BLOOD MIXTURE.

CLARKE'S BLOOD MIXTURE.
CAUTION.—Purchasers of Clarke's
Blood Mixture should see that they
get the genuine article. Worthless
imitations and substitutes are sometimes
palmed off by unprincipled vendors. The
words, "Lincoln and Midland Counties
Drug Company, Lincoln, England," are
engraved on the Government stamp, and
"Clarke's World-Famed Blood Mixture"
blown in the bottle, WITHOUT WHICH
NONE ARE GENUINE.

CASTLE & COOKE CO., Ltd.
HONOLULU.

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SUGAR FACTORS.

AGENTS FOR
The Ewa Plantation Company.
The Wailua Agricultural Co., Ltd.
The Kohala Sugar Company.
The Waimoa Sugar Mill Company.
The Fulton Iron Works, St. Louis, Mo.
The Standard Oil Company.
The George F. Blake Steam Pump
Weston's Centrifugals.
The New England Mutual Life Insur-
ance Company, of Boston.
The Aetna Fire Insurance Company, of
Hartford, Conn.
The Alliance Assurance Company, of
London.

**RUBBER
STAMPS**
At the Hawaiana Office

HONOLULU
HEIRS WIN

The Smith Estate
Will Now Be
Divided.

The case of the Equitable Life As-
surance Society of the United States
vs. Cecil Brown, as administrator of
the estate of David B. Smith, in which
the United States Supreme Court af-
firmed the Hawaiian Supreme Court,
was one of the most important ever
tried in the local courts.

The suit was for a \$25,000 insurance
policy taken out in the Equitable and
which the Company refused to pay to
the administrator, Cecil Brown. An-
other action had been brought on the
same policy in the United States Cir-
cuit Court of New York by other heirs
of Smith, who claimed that he had
owed them money borrowed in estab-
lishing a shoe store in Honolulu. A
jury in the circuit court here found in
favor of the administrator, and the
insurance company appealed to the Su-
preme Court, which refused to inter-
fere with the lower court's verdict.

In the United States Supreme Court,
where the case was appealed, the er-
rors assigned were in brief as follows:

That the judgment of the Supreme
Court of the Territory of Hawaii, be-
ing the highest court of law and equity
of the said Territory in which a de-
cision could be had therein, should be
reversed, first, because of the pendency
of another action in the circuit
court of the United States for the
Southern district of New York; second,
because of the exclusion as evidence,
of the exemplified copy of the proceed-
ings upon the appointment of the ad-
ministrator aforesaid in the Surro-
gate's court of the County of New
York, and because of the exclusion, as
evidence, of the exemplified copy of the
proceedings had in said United States
Circuit Court, all of said exemplified
copies having been offered in evidence
for the purpose of maintaining that
judgment ought not to be entered
against said insurance company, be-
cause of said proceedings in New York
and because Section 1, Article 4 of the
Constitution of the United States, pro-
viding that full faith and credit shall
be given in each state to the public
acts and judicial proceedings of every
other state, which clause of said Con-
stitution was by Section 945 of the
Revised Statutes made effective in the
territories, required the abatement of
the proceedings in the courts of Ha-
waii, and all of said exemplified copies
being offered under claim of exemption
from liability to defendant in error
herein by virtue of said clause of said
Constitution and said statute and also
by virtue of the act of Congress of
April 30, 1900, entitled An Act to Pro-
vide a Government for the Territory
of Hawaii.

The defendant in error in the brief
filed in the United States Supreme
Court claimed that the courts of the
Territory had jurisdiction which could
not be ousted by the proceedings of
the New York court, which had not as
yet been resulted in a judgment.

In the argument upon which the
Supreme Court's decision refusing to
take jurisdiction is undoubtedly based,
the following points were set up:

A FOOLISH OLD IDEA.

It was once thought that a
medicine was all the more bene-
ficial for having a nasty taste and
smell. We now know that such an
idea is perfect nonsense.
There is no more reason why
medicine should offend the sen-
sues than why food should do so.
Therefore, one of the greatest
chemical victories of the past
few years is what we may call
the redemption of cod liver oil.
Everybody knows what a vile
taste and smell this drug has
in its natural state. No wonder
most people declare they would
rather suffer from disease than
take cod liver oil, and the emul-
sions are quite as foul and abom-
inable as the plain oil, no matter
what may be alleged to the con-
trary. Now it is one of nature's
laws that a medicine which dis-
gusts the nose and the palate,
and also sickens the stomach, can
have no good effect as a medi-
cine, because the system cries
out to be delivered from it. In

WAMPOLE'S PREPARATION
the desired miracle is wrought,
and we have the valuable part of
the oil, without the other. This
effective modern remedy is palat-
able as honey and contains the
nutritive and curative properties
of Pure Cod Liver Oil, extracted
by us from fresh cod livers, com-
bined with the Compound Syrup
of Hypophosphites and the Ex-
tracts of Malt and Wild Cherry.
The palate accepts it as it does
sugar, confectionery or cream.
Taken before meals it goes to the
very secret stronghold of diges-
tive disorders; prevents and cures
Nervous Dyspepsia, Scrofula,
Throat and Lung Troubles and
all diseases due to impurity of
the blood. Dr. G. C. Shannon, of
Canada, says: "I shall continue
its use with, I am sure, great ad-
vantage to my patients and sat-
isfaction to myself." Has all the
virtues of cod liver oil; none of
its faults. Effective from the
first dose. Sold by all chemists.



Despite two such blows as the defeat without consideration of the Burton
amendment in the Senate and the slump in San Francisco, there has been no
falling off in the interest shown in the local market for sugar shares. Not only
has the week just closed been one of the most active in recent periods but as
well there has been seen in the market a better feeling in certain of the
shares of the list, and the outlook on the part of some of the plantations is for
further advances.

The slump in San Francisco has been given some prominence, but it is
regarded here as simply a brokers market from the beginning and the fact
that a reaction had to be the result was foreseen and forecast in the advices
from mainland brokers. This condition made the reports contained in the
stock sheets of December 10th, which arrived in the last mails, of little effect
and did not cause the loss of a single point in the local advance which now
seems fairly on. The defeat of the Burton amendment has as well been
fairly well discounted, owing to the reports of the feeling of congressmen
which have been made public from time to time, and the result is that the
plantation men while disappointed are in no way discouraged, but are look-
ing to one of the best of recent years, and that they will market their crop
at a higher rate. The belief is freely expressed among the sugar men that
the Sierra will bring news of sales of raw sugar at four cents or above and
the opinion is that this price will not be for a day only, but will rule for
such time as to allow the crop to be marketed at dollars above the rate of
last year. Five millions of dollars is what the optimists are figuring as the
added profits for the year 1903 over those of 1902.

The fact that the Burton amendment failed had more effect at the Coast
than here. A pencilled statement of the action of the market there on Decem-
ber 11th, morning session, showed further weakness. Hawaiian Commercial
fell from \$50 to \$47.50 and Makawell was forced down below \$30. This is not
regarded as at all a serious depression but on the other hand some local
brokers, with Coast connections, believe that the market will emerge in even
better shape, for the investors will take the stocks and there will not be the
temptation for the brokers to attempt to make quotations as seems to have
been the case during the recent flurry.

The prices on the local exchange have been very good. Ewa sold in the
largest blocks and the greatest amount. The week started at \$34 and a
small block went at \$24.50, but the price went back and came again, the end
of the week showing a small block which netted \$24.12 1/2. The sales were
470, \$24; 100, \$24.12 1/2; 10, \$24.50. Wailua proved the most active in advance,
the week netting \$2.50 and a net \$5 jump in the bid and asked price. There
was a sale of one fifteen share block at \$62.50 which was the old price, but
later there was added a twenty-five share block which found ready purchase
at \$65.

Olaa has now reached the last stage before entering the class of paid
up plantations. The last assessment is due the coming week and the stock
is just as strong as ever and fairly active at that. It is the belief that B. F.
Dillingham and E. E. Paxton will return in the Sierra on the day before
Christmas, and they will have good news for the friends of the plantation.
One hundred shares of the paid up sold at \$13 and the same size block of the
assessable at \$10. McBryde was fairly active, 200 shares being transferred
at \$17.50 and eighty-four at \$4.50. The reports from this plantation have been
excellent. Kihel has shown a material advance, the asked price going to \$9
and the bid to \$8, though there have been no offerings of the stock in sizeable
blocks. Honolulu has shown a desire to advance but there have been few
offerings, the asked price is \$2.50 above the last quotation.

Inter-Island Steamship Company has braced a bit, the only sale of the week
being of five shares at \$97.50, but the prices asked being in advance of this
and the prospect being that there will be higher figures before there are
lower. Five shares were sold out of C. Brewer & Company, the price being
the former one of \$290.

Bonds are not active, the only sale being of \$5,000 O. R. & L. Co. at
\$104. The week's only dividend was a half per cent on the stock of this
corporation.

REAL ESTATE AND BUILDING.

Real estate has been quiet during the week, the only reports being of
the customary sales of small out of town lots. The demand seems to be still
unsatisfied and the people are taking up these residence sites with alacrity.
There is no particular portion of the city which is being favored but the
suburbs which are reached by Rapid Transit are building up rapidly.

Downtown property is at a standstill until the settlement of the ques-
tion of the postoffice site. There seems to be a preponderance of opinion in
favor of a site other than the present one in the event that the Govern-
ment decides that the public offices shall go under one roof. The settlement
of this question can but have one effect for there are dealers who are now cal-
culating upon securing new quarters if the postoffice is removed.

The declaration of the government that the street obstructions shall be re-
moved, followed by the cutting away of the unsightly corner of Union street
and Hotel, has awakened the hope that Fort street will be cleared very soon.
The cutting off of the Jordan and Old Fellows projections would make the
street a fine one.

In addition to the general appearance there will be, as one immediate
result of the cutting back, a new building erected on the ground owned and
occupied by the Odd Fellows. The lodges have appointed committees and as
soon as settlement with the government is reached plans will be drawn for
a fine three story block to cover the entire plot of ground. The site will in-
clude the frame buildings and will make a solid brick frontage for the corner.
The building is planned to be three stories, the ground being used for
stores and the second floor for offices. This would give the entire upper floor
for the lodge rooms. The lot is shallow but the building will be an orna-
ment to the city, and with the new O.N.U. building will transform the street.
It is said to be the intention to put a modern front in the Jordan block, when
it is cut back, so that the spring should see Fort street transformed.

1. The "faith and credit" clause of
the Constitution, Section 1, Article 4,
and Section 945, Revised Statutes, do
not require that a court should sur-
render its own jurisdiction first ac-
quired.

2. There is no Federal question in-
volved in the case. The case required
no construction of the Constitution or
statutes.

3. The Federal question which
plaintiff in error attempts to raise is
frivolous, and cannot give the United
States Supreme Court jurisdiction in
this case.

REAL ESTATE
TRANSACTIONS

List of deeds filed for record Decem-
ber 15, 1902:

First Party. Second Party. Class.
T. Alana and wife—O. L. Alana. D.

Dec. 15—H. T. Hayselden and wife to
H. Waterhouse & Co., Trs. D., lot 22,
Bik. R. of Gr. 2490, Baseball Tract, Ho-
nolulu, Oahu. Consideration \$1, mfg.
\$1250 and \$1000.

Dec. 15—Star Soda Water Works,
Ltd., by Trs. to D. T. Bailey, D., lot
21, Bik. R. of Gr. 2516, kuli, 1902, Ke-
waena Tract, Kona, Hawaii, fixtures,
etc. Honolulu, Oahu. Consideration
\$1000.

D. T. Bailey and wife to E. F. Per-
nices, Trs., lot 10, Bik. R. of Gr. 2516,
Kona Tract, and one-third lot in Kona,
Hawaii, fixtures, etc. Honolulu, Oahu. Consideration
\$1100.

F. F. Pernices to Hattie K. Bailey,
D., one-third lot in lot 10, Bik. R. of Gr.
2516, Kona Tract, and one-third lot in
lot in Kona, Hawaii, fixtures, etc. Honolulu,
Oahu. Consideration \$1100. 1/2. 1/2. 1/2.
Hawaii, Oahu. Consideration \$1100. 1/2. 1/2. 1/2.

4. The "faith and credit" clause of
the Constitution, Section 1, Article 4,
and Section 945, Revised Statutes, do
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Hawaii, Oahu. Consideration \$1100. 1/2. 1/2. 1/2.



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Depot: DESSON LLOYD, Cape Town, Natal, Port Elizabeth. "All about the Skin, Scalp, and
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Pacific Mail Steamship Co.
Occidental & Oriental S. S. Co.
and Toyo Kisen Kaisha.

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SIBERIA..... JAN. 3	KOREA..... JAN. 3
COPTIC..... JAN. 10	GALIC..... JAN. 13
AMERICA MARU..... JAN. 17	HONGKONG MARU..... JAN. 20
KOREA..... JAN. 27	CHINA..... JAN. 30
GALIC..... FEB. 4	DORIC..... FEB. 7
HONGKONG MARU..... FEB. 12	NIPPON MARU..... FEB. 14
CHINA..... FEB. 20	SIBERIA..... FEB. 24
DORIC..... FEB. 28	COPTIC..... MARCH 3
NIPPON MARU..... MARCH 10	AMERICA MARU..... MARCH 10
SIBERIA..... MARCH 13	KOREA..... MARCH 20
COPTIC..... MARCH 26	GALIC..... MARCH 23

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had been sworn to. See the Times, July 15, 1904.

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